

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

E-FILING **ADR**
ALERE MEDICAL, INC., a California Corporation

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C07 05054 MEJ

v.

HEALTH HERO NETWORK, INC., a California Corporation

TO: (Name and address of defendant)

Health Hero Network, Inc.
2400 Geng Road, Suite 200
Palo Alto, CA 94303

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

William F. Abrams (SBN 88805)/Patrick T. Weston (SBN 211448)

Samantha Reardon (SBN 240068)

Bingham McCutchen LLP, 1900 University Ave., East Palo Alto, CA 94303-2223

Phone: (650) 849-4400; Fax: (650) 849-4800

email: william.abrams@bingham.com; patrick.weston@bingham.com;

samantha.reardon@bingham.com

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

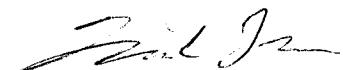
CLERK

DATE OCT - 1 2007

(BY) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

| RETURN OF SERVICE | | |
|--|--|---------------|
| Service of the Summons and Complaint was made by me ¹ | DATE 10/01/2007 | |
| Name of SERVER Minh Tran | TITLE Registered California Process Server | |
| <i>Check one box below to indicate appropriate method of service</i> | | |
| <input checked="" type="checkbox"/> Served Personally upon the Defendant. Place where served: HEALTH HERO NETWORK, INC. 2400 Geng Road, Suite 200, Palo Alto, CA 94303 | | |
| <input type="checkbox"/> By Leaving the Documents with Peter Musso, Authorized Agent Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: | | |
| <input type="checkbox"/> Returned unexecuted: | | |
| <input type="checkbox"/> Other (<i>specify</i>): | | |
| STATEMENT OF SERVICE FEES | | |
| TRAVEL | SERVICES \$60.00 | TOTAL \$60.00 |
| DECLARATION OF SERVER | | |
| I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. | | |
| Executed on | <u>10/02/2007</u> | |
| | Date | |
| |  <i>Signature of Server</i> Careful Attorney Service 453 Bryant Street, San Francisco, CA 94107 <i>Address of Server</i> | |
| (1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure | | |

| | | | | |
|--|-------|---|--------------------|--------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Bingham McCutchen LLP Samantha Reardon, 240068 1900 University Avenue East Palo Alto, CA 94303 | | TELEPHONE NO.: (650) 849-4400 | FOR COURT USE ONLY | |
| ATTORNEY FOR (Name): ALERE MEDICAL, INC. | | Ref. No. or File No. 0000322390 | | |
| Insert name of court, judicial district or branch court, if any. | | | | |
| UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA | | | | |
| PLAINTIFF: ALERE MEDICAL, INC., a California Corporation | | | | |
| DEFENDANT: HEALTH HERO NETWORK, INC., a California Corporation | | | | |
| PROOF OF SERVICE | DATE: | TIME: | DEPT/DIV: | CASE NUMBER: C07 05054 MEJ |

UNITED STATES DISTRICT COURT
DECLARATION OF SERVICE

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY THAT I WAS ON THE DATE HEREIN REFERRED TO OVER THE AGE OF 18 YEARS AND NOT A PARTY TO THE WITHIN ENTITLED ACTION. I SERVED THE:

Summons in a Civil Case; Complaint of Plaintiff Alere Medical, Inc. for Declaratory Judgment - Demand for Jury Trial; Order Setting Initial Case Management Conference and ADR Deadlines; Civil Cover Sheet; Certification of Interested Entities or Persons (Civil L.R. 3-16); Notice of Pendency of Other Action or Proceeding (Civil L.R. 3-13)

ON: **HEALTH HERO NETWORK, INC.**

AT: **2400 Geng Road, Suite 200**
Palo Alto, CA 94303

IN THE ABOVE MENTIONED ACTION BY DELIVERING TO AND LEAVING WITH:
Peter Musso - Authorized Agent

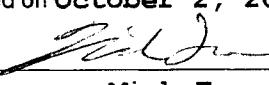
ON: **10/01/2007**
AT: **04:21 pm**

Manner of service in compliance with Federal Code of Civil Procedure.

Fee for Service: **60.00**

County: **Santa Clara**
Registration No.: **#954**
Careful Attorney Service
453 Bryant St.
San Francisco, CA 94107
(415) 864-8014

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **October 2, 2007**.

Signature: 

Minh Tran

PROOF OF SERVICE